

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
32ND FLOOR
1301 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6023
(212) 336-8330
FAX (212) 336-8340
WWW.SUSMANGODFREY.COM

SUITE 5100
1000 LOUISIANA STREET
HOUSTON, TEXAS 77002-5096
(713) 651-9366

SUITE 1400
1900 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6029
(310) 789-3100

SUITE 3800
1201 THIRD AVENUE
SEATTLE, WASHINGTON 98101-3000
(206) 516-3880

SHAWN J. RABIN
DIRECT DIAL (212) 471-8347

E-MAIL SRABIN@SUSMANGODFREY.COM

August 27, 2021

VIA ECF

The Honorable Analisa Torres
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007-1312

The Honorable John P. Cronan
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Assad v. Pershing Square Tontine Holdings, Ltd., et al.*, No. 21-cv-6907
(AT) (BCM); *Assad v. E.Merge Technology Acquisition Corp., et al.*, No.
21-cv-7072 (JPO) (KNF); *Assad v. GO Acquisition Corp., et al.*, No. 21-cv-
7076 (JPC) (JLC)

August 27, 2021
Page 2

Dear Judges Torres, Oetken, and Cronan:

We represent the Plaintiff in the above-captioned lawsuits and briefly write to (1) update the Court pursuant to Local Civil Rule 1.6 and (2) respond to the letter submitted by the Pershing Square Defendants earlier tonight.

First, Plaintiff respectfully submits that the parties should meet and confer to see if there is a proposal that can be presented to Your Honors by agreement. Plaintiff contacted the Pershing Square Defendants on Wednesday, August 25, 2021 to have such a discussion. To accommodate the Pershing Square Defendants' schedule, the meet and confer will occur on Monday, August 30, 2021. Plaintiff is not aware of who is representing the defendants in either the *E.Merge* or *GO* cases, but we would be more than happy to confer with them too as soon as we know who is representing them.

Second, we agree with the Pershing Square Defendants that at least the Pershing Square case is ripe for expedited treatment and we informed the Pershing Square Defendants this morning that we support an expedited schedule. We hope that we can jointly propose an expedited schedule for the Court's review early next week.

Third, we also agree that the three above-captioned cases have *some* similarities. For example, the named Plaintiff in the three actions is the same, the cases all involve the Investment Company Act of 1940 and the Investment Advisers Act of 1940, and the cases contain allegations that the specific SPAC defendants are primarily engaged or propose to be primarily engaged in the business of investing and reinvesting in securities. *But*, these cases also have important differences that make them unique and independent. For example, a key factual issue in the *Pershing Square* case is whether the Pershing Square SPAC spent a large percentage of its existence proposing to invest in equity securities of Vivendi S.E. and Universal Music Group. Compl ¶¶ 43-45. This issue is unique to the *Pershing Square* case. The *GO* and *E.Merge* cases are more similar to each other than the *Pershing Square* case is to either of them.

Last, although we strongly disagree with the Pershing Square Defendants' attempt to argue their case in their letter, we will simply note that we disagree with their arguments and we look forward to presenting the Court with our position. That said, the Pershing Square Defendants' speculation—based on unnamed sources in a single news article—that “50 more lawsuits” may be filed is plain false. We would have told the Pershing Square Defendants as much had they met and conferred before filing their letter.

August 27, 2021
Page 3

The bottom line is that we ask the Court to allow the parties to meet and confer to see if we can jointly propose something that makes sense. If we can't agree, we will promptly inform the Court and seek its assistance.

Sincerely,

/s/ Shawn J. Rabin

Shawn J. Rabin

cc: All Counsel of Record (*Via ECF*)